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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 MONA GROGAN, an individual,
11 Plaintiff,
12 vs.
13 SR CONSTRUCTION, INC., a domestic
14 corporation.
15 Defendant.

CASE NO: 3:20-cv-597

COMPLAINT
JURY DEMAND

16
17 COMES NOW Plaintiff Mona Grogan, by and through her counsel, William J. Geddes, Esq.
18 and Kristen R. Geddes, Esq. of THE GEDDES LAW FIRM, P.C., and hereby complains of Defendant
19 SR CONSTRUCTION, INC. as follows.

20 **I.**

21 **STATEMENT OF THE CASE**

22 This is an employment discrimination case arising under Title VII of the Civil Rights Act of
23 1964, the Age Discrimination and Employment Act and Nevada state law. GROGAN alleges herein
24 that Defendant subjected GROGAN to sex-based discrimination, sexual harassment hostile work
25 environment, and a hostile work environment based on age, and then retaliated against GROGAN when
26 she complained about the discrimination and harassment. GROGAN seeks monetary, equitable, and
27 injunctive relief.

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II.

JUISDICTION AND VENUE

1. The federal claims of this case are maintained pursuant to 28 U.S.C. § 1331. In particular, this case asserts claims, actionable under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-3 *et seq.*, the Age Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. § 623. This Court has supplemental jurisdiction over the state-law claims pursuant to 28 U.S.C. § 1367(a).

2. Venue is proper in the U.S. District Court situated in Reno, Nevada, under Local Rule IA 1-6 and 28 U.S.C. § 1391(b) because this Court is located in the “unofficial Northern Division,” embracing the City of Carson, Nevada, and because:

(a) Venue is proper in a judicial district in which a substantial part of the events or omissions giving rise to the claims of the case occurred, or where any defendant resides; and,

(b) The unlawful employment practices were committed in Reno, Nevada.

III.

PARTIES

3. At all relevant times herein, Plaintiff Mona Grogan (“GROGAN”) was a citizen of the state of Nevada, residing in Reno, Nevada, who was a female over the age of forty (40), who was employed by Defendant SR CONSTRUCTION, INC.

4. At all relevant times herein, Defendant SR CONSTRUCTION, INC. (“SR CONSTRUCTION”) was a domestic corporation doing business in Reno, Nevada, and was Plaintiff’s employer, pursuant to Title VII of the Civil Rights act of 1964 (as amended), 42 U.S.C. § 2000, *et seq.*, the Age Discrimination in Employment Act of 1967 (ADEA), and Nevada law.

IV.

GENERAL ALLEGATIONS

5. GROGAN was hired by Defendant SR CONSTRUCTION as a Project Engineer on or around October 28, 2019.

1 6. Upon hire, GROGAN attended a brief training and onboarding period at Defendant SR
2 CONSTRUCTION's Las Vegas, Nevada, office, after which, GROGAN relocated to Reno, Nevada,
3 where she started her job as a Project Engineer for the Northern Nevada Sierra Medical Center
4 construction project in Reno, Nevada.

5 **Allegations Regarding Doug Hixson, Superintendent**

6 7. About one-week after beginning work in the Reno office, the harassment against
7 GROGAN started by numerous male employees, including but not limited to Doug Hixson ("Hixson"),
8 the Superintendent.

9 8. GROGAN approached Hixson with a work-related inquiry about the project, setting
10 Hixson off then, and continuing, such that Hixson constantly rage and curse at GROGAN whenever he
11 would speak to her.

12 9. Hixson would consistently maintain a tone that was aggressive and profane and
13 GROGAN resisted asking him work-related questions.

14 10. About two weeks after GROGAN's first hostile and abusive exchange with Hixson, Fred
15 Kravetz, Sr. Project Engineer, requested GROGAN prepare a Grade Beam and Footing Study from
16 existing Civil Plans, which angered Hixson, and he aggressively confronted GROGAN, but in a non-
17 aggressive manner, told Kravetz that Hixson had already prepared one.

18 11. The following week, around fifteen minutes a newly hired 25-year old male named Joey
19 Miguel started work at Defendant SR Construction, Hixson yelled across the construction trailer to
20 GROGAN that, "I'm giving your grade beam project to Joey." GROGAN resisted the reassignment of
21 her work, to a younger, lesser qualified male.

22 12. Hixson's yelling across the trailer and trying to reassign her work undermined
23 GROGAN's leadership in the office, embarrassed and humiliated GROGAN, which GROGAN
24 reported to Kravetz.

25 13. After this exchange, it appeared to GROGAN that Hixson's treatment of her in front of
26 other male employees set the tone for other males to treat her in a similar manner, as later described
27 herein.

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1 14. The harassment from Hixson escalated to the point GROGAN was unable to keep him
2 out of her office.

3 15. When GROGAN was in or out of her office within the construction trailer where they
4 worked, Hixson would stalk her, and would aggressively confront GROGAN under the guise of
5 “clearing the air.”

6 16. The confrontations by Hixson against GROGAN were aggressive, physical and scared
7 GROGAN. GROGAN shut her door when she came into work at 6:30 a.m. to avoid out Hixson, yet
8 GROGAN could hear Hixson telling Joey Miguel in the common area about all the different types of
9 guns Hixson owned and how easy it would be to “kill the bitch.”

10 17. GROGAN believed Hixson was referring to her when he would talk loudly about
11 owning guns and “killing the bitch.”

12 18. Other employees witnessed that GROGAN was fearful of Hixson and would knock on
13 GROGAN’s office door to alert GROGAN when Hixson he entered the construction trailer to let
14 GROGAN know he was there or not, and whether GROGAN could safely open her office door.

15 19. GROGAN alleges the harassment by Hixson was based on her gender (female) as
16 Hixson did not yell and rage against male employees for asking work-related questions or alternatively
17 refuse to speak to males, Hixson did not physically enter aggressively their offices, physically
18 intimidate male employees, our loudly speak about “killing the bitch” in reference to males, and he did
19 not try to reassign the work of male employees to lesser qualified employees.

20 **Allegations Regarding Mark Wilkerson, Senior Project Manager**

21 20. Shortly before Thanksgiving, 2019, Mark Wilkerson, Senior Project Manager,
22 (“Wilkerson”) asked GROGAN to come to his office.

23 21. In Wilkerson’s office, with the door closed, Wilkerson kept an open Bible and a plaque
24 on his bookshelf stating “Jesus is at the wheel.”

25 22. Wilkerson explained that as an “unmarried, non-childbearing woman,” GROGAN
26 needed to step aside and make room for Joey Miguel.

27 23. Wilkerson stated that had an administrative assistant position in mind for GROGAN ,
28 notwithstanding that GROGAN is a trained engineer,

1 24. GROGAN objected to Wilkerson's request to step aside to make room for Joey Miguel,
2 who was a younger, lesser qualified male; however, about twenty minutes after this conversation,
3 Wilkerson entered GROGAN's office and told her to forward all of her completed work to Joey Miguel
4 and Joey would turn it in for her.

5 25. GROGAN rejected this idea and stated she would continue to turn in her work under her
6 own name. Nevertheless, from that point forward, with one exception of sophisticated spreadsheets that
7 GROGAN produced for Jeff Rowan, all work coming into or out of the office was diverted exclusively
8 to Joey Miguel.

9 26. Ultimately, Wilkerson reduced GROGAN's workload and responsibilities to menial
10 tasks such as turning pages at the plan review meetings, reducing her inclusion in group work, and also
11 suggested GROGAN keep the office clean, which were not tasks requested of younger or male
12 employees.

13 27. GROGAN alleges Wilkerson's discriminatory treatment and harassment of her was
14 based on age and sex (female).

15 **Allegations Regarding Fan Chou, Project Manager**

16 28. On many occasions Fan Chou ("Chou"), Project Manager, declared "SR Construction
17 does not need any more old, tired, stupid, technologically challenged employees."

18 29. Many times, Chou would state to GROGAN, "we're replacing them [older employees]
19 with young blood, I have three applicants just like Joey Miguel (*i.e.*, a 25 year-old male)."

20 30. GROGAN objected to Chou's statements, as GROGAN believed herself to be an
21 extremely competent professional at the pinnacle of her career as an engineer.

22 31. On or around January 21, 2020, another employee, Imee DeFiesta told GROGAN that
23 Chou was going to pull GROGAN into a closed-door meeting later that morning to correct a problem
24 Chou perceived that GROGAN did not socialize outside of work hours.

25 32. The closed-door meeting never happened; however, around this time that GROGAN
26 declined to socialize with Chou outside of work hours, Chou began coming to GROGAN'S office on
27 the pretense of needing office supplies on GROGAN'S desk such as a stapler, pen or piece of tape, and
28

1 Chou would lean across her desk putting his groin area in GROGAN'S face as GROGAN was seated at
2 her desk.

3 33. GROGAN was forced to go to extreme lengths to avoid Chou in close quarters, such as
4 working left-handed (GROGAN is right handed) and removing office tools from her desk to eliminate
5 any pretense of Chou needing to lean across her desk.

6 34. As well, at least once, sometimes twice per day, every day, Chou would also stealthily
7 come into GROGAN's office and would stand inches away from the right side of her body while she
8 was seated at her desk.

9 35. When GROGAN would sense his presence, GROGAN would turn in her chair and
10 would be looking directly at Chou's groin area.

11 36. After repeatedly asking Chou to step back GROGAN was frequently forced to take
12 defensive action by quickly swiveling her chair around to place a barrier between herself and Chou's
13 groin area when he would stealthily approach and .

14 37. GROGAN alleges the hostile work environment created by Chou is based upon age and
15 the sexual harassment of her was on her sex (female).

16 **Allegations Regarding Joe Garcia, and Common Allegations**

17 38. On or around December 2, 2020, GROGAN called her supervisor, Joe Garcia (Garcia),
18 and gave him a status of the project and also complained to Garcia about harassment and discrimination
19 she was being subjected to, citing the behaviors and incidents described above.

20 39. GROGAN also told Garcia she was afraid of Hixson, citing the reasons outlined above.

21 40. Garcia told GROGAN he didn't understand why employees in the Reno office were so
22 dysfunctional and the two discussed the relentless hostility and discrimination directed at GROGAN.

23 41. Garcia told GROGAN the office needed her maturity and experience and Garcia asked
24 GROGAN not to quit.

25 42. Garcia then explained the concept of triangulation to GROGAN, stating that Hixson and
26 Joey Miguel were "triangulating" GROGAN in a coordinated, synchronized attack, demonstrating
27 Garcia's deep understanding and awareness of the ongoing harassment directed at GROGAN.

28 ...

1 43. Garcia told GROGAN he would stop the harassment and that he was sending Fred
2 Kravetz to the Reno Office to “protect her”; however, prompt appropriate and corrective action was
3 never taken, and the harassment of GROGAN continued.

4 44. Shortly before Christmas 2019, Garcia convened a meeting with himself on the phone
5 from Las Vegas, Chou, Fred Kravetz, Hixson and GROGAN in her office in the construction trailer.

6 45. Garcia had *GROGAN* confront Hixson regarding his aggression towards her.

7 46. Rather than abate, Hixson’s hostility and aggression against GROGAN intensified.

8 47. Additionally, on or around Tuesday, February 11, 2020 Garcia travelled to Reno from
9 Las Vegas, to attend the weekly schedule meeting with the local construction trade partners.

10 48. GROGAN spoke numerous times to Garcia that day, but he refused to speak to her and
11 froze her out the entire day.

12 49. The next morning, on or around Wednesday, February 12, 2020, GROGAN arrived at
13 around 6:00 a.m. to prepare for a critical reception for the project owners.

14 50. Garcia continued to ignore GROGAN, but would constantly glare at her, while
15 continuing to refuse to speak to her in front of the entire office, further exacerbating the embarrassment,
16 humiliation and stress GROGAN was already experiencing from the ongoing harassment.

17 51. Garcia continued to deliberately freeze GROGAN out, refusing to speak to her or
18 acknowledge her for two days during this critical time-period of meeting with project owners where
19 tens of millions of dollars were at stake.

20 52. At one point during the day on or around February 12th, despite Garcia’s freezing
21 GROGAN out and ignoring GROGAN, GROGAN offered Garcia the use of a logo she had created for
22 a presentation.

23 53. Garcia, surrounded by employees Joey Miguel, Fan Chou, Imee DeFrieda and Kaustubh
24 Sontakke, spat back at GROGAN through gritted teeth, “I’m not talking to you, I’m talking to Imee.”

25 54. Garcia’s alternately freezing GROGAN out and then chastising her through gritted teeth
26 in front of the entire office-staff confirmed that Defendant SR CONSTRUCTION had failed to and was
27 refusing to take prompt, appropriate and corrective action to remedy the ongoing discrimination and
28 harassment against GROGAN.

1 55. After this exchange, GROGAN retreated to her office, humiliated and embarrassed by
2 the treatment by Garcia, her supervisor, when Fred Kravetz came to her office and asked if GROGAN
3 was attending the team building event at a bowling alley.

4 56. GROGAN then-realized she had been excluded from invitation to the team building
5 event, to continue freezing her out.

6 57. In another instance between February 10-12, 2020, the employee group of Defendant
7 was supposed to take a project photo in front of the of construction monument sign and GROGAN was
8 intentionally not notified of the location change, even though the other employees were aware that
9 GROGAN was onsite waiting to be in the group photo.

10 58. After the photo incident, the other employees of Defendant went to lunch and the group
11 sat at the other end of the long table, leaving GROGAN sitting alone at the other end of the table
12 continuing to ostracize and humiliate her.

13 59. In the early morning on or around February 14, 2020, GROGAN arrived at the
14 construction trailer first, to retrieve her coat for an out-of-town trip, and found a pink, poop emoji wind-
15 up toy on her desk, which GROGAN understood to be yet another instance of gender-based harassment
16 against her.

17 60. GROGAN advised Defendant that she would work from home until prompt, appropriate
18 and corrective action was taken concerning the discrimination and retaliation she was being subjected
19 to, which request to work from home was not refused.

20 61. GROGAN was constructively discharged on or around February 24, 2020.

21 62. On or around March 20, 2020, GROGAN timely initiated, or caused to be submitted a
22 charge of unlawful discrimination the Equal Opportunity Commission (“EEOC”) in EEOC Claim No.
23 550-2020-01127, which alleged violations of Title VII, the ADEA and retaliation.

24 63. On July 24, 2020, the EEOC issued a “right-to-sue letter” for the harassment and
25 retaliation claims of this case, set forth in EEOC Claim No. 550-2020-01127 pursuant to 42 U.S.C. §
26 2000e-5(f), and GROGAN timely filed the instant suit within ninety (90) days of the receipt of this
27 “right-to-sue letter.”

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FEDERAL LAW CLAIMS

V.

FIRST CLAIM FOR RELIEF

**DISCRIMINATION BASED ON SEX
(Title VII - 42 U.S.C. § 2000e-2 *et seq.*)**

64. GROGAN incorporates by reference all prior allegations of this *Complaint*, as though fully set forth herein.

65. GROGAN is a person entitled to the protection under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2 *et seq.*

66. Defendant SR CONSTRUCTION is an employer having at least fifteen employees, which had a legal obligation, pursuant to Title VII, 42 U.S.C. § 2000e-2 *et seq.*, as amended, and its own internal policies, to maintain a workplace free from unlawful discrimination based on sex.

67. GROGAN was subjected to discriminatory treatment during her employment with Defendant SR CONSTRUCTION and this conduct was based upon and directed at GROGAN by reason of her sex.

68. GROGAN notified Defendant SR CONSTRUCTION, which was otherwise aware, of the discriminatory conduct through its employees and agents and third-parties but Defendant SR CONSTRUCTION failed to take any appropriate corrective action.

69. This discriminatory based on sex was sufficiently severe and pervasive so as to unreasonably interfere with GROGAN's physical health and work performance, so as to create an intimidating, hostile and offensive working environment.

70. As a direct and proximate result of the harassing and discriminatory treatment of Defendant SR CONSTRUCTION, including through its employees and agents and third-parties, GROGAN has suffered, and continues to suffer, economic losses, including lost wages and benefits, back pay, front pay, physical and emotional harm, including mental anguish, inconvenience, and the loss of enjoyment of life, for which GROGAN is entitled to compensatory and equitable damages, in an amount to be proven at trial.

71. Defendant SR CONSTRUCTION's conduct, including through its employees and

1 agents, was willful, malicious, and/or engaged in with a reckless indifference to the health, safety,
2 wellbeing, and federally-protected rights of GROGAN— warranting an award of punitive damages, to
3 punish Defendant SR CONSTRUCTION, in an amount determined by a jury at trial, according to law.

4 72. As a result of such intentional, unlawful, and discriminatory conduct against GROGAN
5 by Defendant SR CONSTRUCTION, including through its employees and agents, GROGAN has had
6 to retain the services of attorneys in this matter, and therefore, is entitled to, and seeks reimbursement
7 for, her attorneys' fees and costs, her expert-witness fees, and her court costs, in an amount to be
8 proven at trial.

9 73. As a result of such intentional, unlawful, and discriminatory conduct against GROGAN
10 by Defendant SR CONSTRUCTION, including through its employees and agents, GROGAN is
11 entitled to, and seeks, declaratory relief, in the form of a declaration by this Court, that Defendant SR
12 CONSTRUCTION violated GROGAN's rights.

13 **VI.**

14 **SECOND CLAIM FOR RELIEF**
15 **SEXUAL HARASSMENT**

16 **(Title VII - 42 U.S.C. § 2000e-2 et seq.)**

17 74. GROGAN incorporates by reference all prior allegations of this *Complaint*, as though
18 fully set forth herein.

19 75. GROGAN is a person entitled to the protection under Title VII of the Civil Rights Act
20 of 1964, as amended, 42 U.S.C. § 2000e-2 et seq.

21 76. Defendant SR CONSTRUCTION is an employer having at least fifteen employees,
22 which had a legal obligation, pursuant to Title VII, 42 U.S.C. § 2000e-2 et seq., as amended, and its
23 own internal policies, to maintain a workplace free from unlawful sexual harassment and hostile work
24 environment.

25 77. GROGAN was subjected to unwelcome, offensive and harassing sexually discriminatory
26 conduct during her employment with Defendant SR CONSTRUCTION and this conduct was based
27 upon and directed at GROGAN by reason of her sex.

28 78. GROGAN notified Defendant SR CONSTRUCTION, which was otherwise aware, of

1 the sexually harassing conduct but Defendant SR CONSTRUCTION failed to take any appropriate
2 corrective action.

3 79. This sexually harassing and discriminatory conduct was sufficiently severe and
4 pervasive so as to unreasonably interfere with GROGAN's physical health and work performance, so as
5 to create an intimidating, hostile and offensive working environment.

6 80. As a direct and proximate result of the harassing and hostile sexual environment of
7 Defendant SR CONSTRUCTION, including through its employees and agents and third-parties,
8 GROGAN has suffered, and continues to suffer, economic losses, including lost wages and benefits,
9 back pay, front pay, physical and emotional harm, including mental anguish, inconvenience, and the
10 loss of enjoyment of life, for which GROGAN is entitled to compensatory and equitable damages, in an
11 amount to be proven at trial.

12 81. Defendant SR CONSTRUCTION's conduct, including through its employees and
13 agents, was willful, malicious, and/or engaged in with a reckless indifference to the health, safety,
14 wellbeing, and federally-protected rights of GROGAN— warranting an award of punitive damages, to
15 punish Defendant SR CONSTRUCTION, in an amount determined by a jury at trial, according to law.

16 82. As a result of such intentional, unlawful, and discriminatory conduct against GROGAN
17 by Defendant SR CONSTRUCTION, including through its employees and agents, GROGAN has had
18 to retain the services of attorneys in this matter, and therefore, is entitled to, and seeks reimbursement
19 for, her attorneys' fees and costs, her expert-witness fees, and her court costs, in an amount to be
20 proven at trial.

21 83. As a result of such intentional, unlawful, and discriminatory conduct against GROGAN
22 by Defendant SR CONSTRUCTION, including through its employees and agents, GROGAN is
23 entitled to, and seeks, declaratory relief, in the form of a declaration by this Court, that Defendant SR
24 CONSTRUCTION violated GROGAN's rights.

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VI.

THIRD CLAIM FOR RELIEF

HOSTILE WORK ENVIRONMENT BASED ON AGE
(ADEA - 29 U.S.C. § 623 *et seq.*)

84. GROGAN incorporates by reference all prior allegations of this *Complaint*, as though fully set forth herein.

85. GROGAN is a person entitled to the protection under ADEA, 29 U.S.C. § 623 *et seq.*

86. Defendant SR CONSTRUCTION is an employer having at least twenty employees, which had a legal obligation, pursuant to ADEA, and its own internal policies, to maintain a workplace free from unlawful harassment and disparate treatment in whole or in part because of her age.

87. GROGAN was subjected to harassment during her employment with Defendant SR CONSTRUCTION and this conduct was directed at GROGAN by reason of her age, which was over 40.

88. This discriminatory conduct because of GROGAN's age was sufficiently severe and pervasive so as to unreasonably interfere with GROGAN's physical health and work performance, so as to create an intimidating, hostile and offensive working environment.

89. Management level employees of Defendant SR CONSTRUCTION knew or should have known of the abusive conduct.

90. As a direct and proximate result of the harassment of Defendant SR CONSTRUCTION, including through its employees and agents and third-parties, GROGAN has suffered, and continues to suffer, economic losses, including lost wages and benefits, back pay, front pay, for which GROGAN is entitled to compensatory and equitable damages, in an amount to be proven at trial.

91. Defendant SR CONSTRUCTION's conduct, including through its employees and agents, was willful, malicious, and/or engaged in with a reckless indifference to the health, safety, wellbeing, and federally-protected rights of GROGAN— warranting an award of liquidated damages, in an amount determined by a jury at trial, according to law.

92. As a result of such intentional, unlawful, and discriminatory conduct against GROGAN by Defendant SR CONSTRUCTION, including through its employees and agents, GROGAN has had

1 to retain the services of attorneys in this matter, and therefore, is entitled to, and seeks reimbursement
2 for, her attorneys' fees and costs, her expert-witness fees, and her court costs, in an amount to be
3 proven at trial.

4 93. As a result of such intentional, unlawful, and discriminatory conduct against GROGAN
5 by Defendant SR CONSTRUCTION, including through its employees and agents, GROGAN is
6 entitled to, and seeks, declaratory relief, in the form of a declaration by this Court, that Defendant SR
7 CONSTRUCTION violated GROGAN's rights.

8 VIII.

9 FOURTH CLAIM FOR RELIEF

10 RETALIATION

11 (Title VII - 42 U.S.C. § 2000e-3 *et seq.*)

12 94. GROGAN incorporates by reference all prior allegations of this *Complaint*, as though
13 fully set forth herein.

14 95. As alleged herein, Defendant SR CONSTRUCTION, by and through its officers,
15 managing agents and/or its supervisors, illegally retaliated against GROGAN by freezing her out,
16 removing and reassigning her duties and constructively discharging her, because she had reported the
17 aforementioned discrimination and harassment.

18 96. Defendant SR CONSTRUCTION had no legitimate reasons for any such act. Each said
19 act is in violation of the anti-retaliation provisions of 42 U.S.C. § 2000e-3 *et seq.*

20 97. As a direct and proximate result of the Defendant SR CONSTRUCTION, including
21 through its employees and agents and third-parties, intentional discrimination and retaliation,
22 GROGAN has suffered, and continues to suffer, economic losses, including lost wages and benefits,
23 back pay, front pay, physical and emotional harm, including mental anguish, inconvenience, and the
24 loss of enjoyment of life, for which GROGAN is entitled to compensatory and equitable damages, in an
25 amount to be proven at trial.

26 98. Defendant SR CONSTRUCTION's conduct, including through its employees and
27 agents, was willful, malicious, and/or engaged in with a reckless indifference to the health, safety,
28

1 wellbeing, and federally-protected rights of GROGAN—warranting an award of punitive damages, to
2 punish Defendant SR CONSTRUCTION, in an amount determined by a jury at trial, according to law.

3 99. As a result of such intentional, unlawful, and discriminatory conduct against GROGAN
4 by Defendant SR CONSTRUCTION, including through its employees and agents, GROGAN has had
5 to retain the services of attorneys in this matter, and therefore, is entitled to, and seeks reimbursement
6 for, her attorneys' fees and costs, her expert-witness fees, and her court costs, in an amount to be
7 proven at trial.

8 100. As a result of such intentional, unlawful, and discriminatory conduct and retaliation
9 against GROGAN by Defendant SR CONSTRUCTION, including through its employees and agents,
10 GROGAN is entitled to, and seeks, declaratory relief, in the form of a declaration by this Court, that
11 Defendant SR CONSTRUCTION violated GROGAN's rights.

12 **IX.**

13 **FIFTH CLAIM FOR RELIEF**

14 **RETALIATION**

15 **(ADEA – 29 U.S.C. § 623(d))**

16 101. GROGAN incorporates by reference all prior allegations of this *Complaint*, as though
17 fully set forth herein.

18 102. As alleged herein, Defendant SR CONSTRUCTION, by and through its officers,
19 managing agents and/or its supervisors, illegally retaliated against GROGAN by freezing her out,
20 removing and reassigning her duties and constructively discharging her, because she had reported the
21 aforementioned discrimination and harassment.

22 103. Defendant SR CONSTRUCTION had no legitimate reasons for any such act. Each said
23 act is in violation of the anti-retaliation provisions of 29 U.S.C. § 623(d).

24 104. As a direct and proximate result of the Defendant SR CONSTRUCTION, including
25 through its employees and agents and third-parties, intentional discrimination and retaliation,
26 GROGAN has suffered, and continues to suffer, economic losses, including lost wages and benefits,
27 back pay, front pay, physical and emotional harm, including mental anguish, inconvenience, and the
28 loss of enjoyment of life, for which GROGAN is entitled to compensatory and equitable damages, in an

1 amount to be proven at trial.

2 105. Defendant SR CONSTRUCTION's conduct, including through its employees and
3 agents, was willful, malicious, and/or engaged in with a reckless indifference to the health, safety,
4 wellbeing, and federally-protected rights of GROGAN—warranting an award of punitive damages, to
5 punish Defendant SR CONSTRUCTION, in an amount determined by a jury at trial, according to law.

6 106. As a result of such intentional, unlawful, and discriminatory conduct against GROGAN
7 by Defendant SR CONSTRUCTION, including through its employees and agents, GROGAN has had
8 to retain the services of attorneys in this matter, and therefore, is entitled to, and seeks reimbursement
9 for, her attorneys' fees and costs, her expert-witness fees, and her court costs, in an amount to be
10 proven at trial.

11 107. As a result of such intentional, unlawful, and discriminatory conduct and retaliation
12 against GROGAN by Defendant SR CONSTRUCTION, including through its employees and agents,
13 GROGAN is entitled to, and seeks, declaratory relief, in the form of a declaration by this Court, that
14 Defendant SR CONSTRUCTION violated GROGAN's rights.

15 **STATE LAW CLAIMS**

16 **X.**

17 **SIXTH CLAIM FOR RELIEF**

18 **DISCRIMINATION BASED ON SEX** 19 **(NRS 613.330.)**

20 108. GROGAN incorporates by reference all prior allegations of this *Complaint*, as though
21 fully set forth herein.

22 109. GROGAN is a person entitled to the protection under NRS 613.330.

23 110. Defendant SR CONSTRUCTION is an employer having at least fifteen employees,
24 which had a legal obligation, pursuant to NRS 613.330, and its own internal policies, to maintain a
25 workplace free from unlawful discrimination based on sex.

26 111. GROGAN was subjected to discriminatory treatment during her employment with
27 Defendant SR CONSTRUCTION and this conduct was based upon and directed at GROGAN by
28 reason of her sex.

1 112. GROGAN notified Defendant SR CONSTRUCTION, which was otherwise aware, of
2 the discriminatory conduct through its employees and agents and third-parties but Defendant SR
3 CONSTRUCTION failed to take any appropriate corrective action.

4 113. This discriminatory based on sex was sufficiently severe and pervasive so as to
5 unreasonably interfere with GROGAN's physical health and work performance, so as to create an
6 intimidating, hostile and offensive working environment.

7 114. As a direct and proximate result of the harassing and discriminatory treatment of
8 Defendant SR CONSTRUCTION, including through its employees and agents and third-parties,
9 GROGAN has suffered, and continues to suffer, economic losses, including lost wages and benefits,
10 back pay, front pay, physical and emotional harm, including mental anguish, inconvenience, and the
11 loss of enjoyment of life, for which GROGAN is entitled to compensatory and equitable damages, in an
12 amount to be proven at trial.

13 115. Defendant SR CONSTRUCTION's conduct, including through its employees and
14 agents, was willful, malicious, and/or engaged in with a reckless indifference to the health, safety,
15 wellbeing, and federally-protected rights of GROGAN— warranting an award of punitive damages, to
16 punish Defendant SR CONSTRUCTION, in an amount determined by a jury at trial, according to law.

17 116. As a result of such intentional, unlawful, and discriminatory conduct against GROGAN
18 by Defendant SR CONSTRUCTION, including through its employees and agents, GROGAN has had
19 to retain the services of attorneys in this matter, and therefore, is entitled to, and seeks reimbursement
20 for, her attorneys' fees and costs, her expert-witness fees, and her court costs, in an amount to be
21 proven at trial.

22 117. As a result of such intentional, unlawful, and discriminatory conduct against GROGAN
23 by Defendant SR CONSTRUCTION, including through its employees and agents, GROGAN is
24 entitled to, and seeks, declaratory relief, in the form of a declaration by this Court, that Defendant SR
25 CONSTRUCTION violated GROGAN's rights.

26 ...

27 ...

28 ...

XI.

**SEVENTH CLAIM FOR RELIEF
SEXUAL HARASSMENT**

(NRS 613.330)

118. GROGAN incorporates by reference all prior allegations of this *Complaint*, as though fully set forth herein.

119. GROGAN is a person entitled to the protection under NRS 613.330.

120. Defendant SR CONSTRUCTION is an employer having at least fifteen employees, which had a legal obligation, pursuant to NRS 613.330, and its own internal policies, to maintain a workplace free from unlawful sexual harassment and hostile work environment.

121. GROGAN was subjected to unwelcome, offensive and harassing sexually discriminatory conduct during her employment with Defendant SR CONSTRUCTION and this conduct was based upon and directed at GROGAN by reason of her sex.

122. GROGAN notified Defendant SR CONSTRUCTION, which was otherwise aware, of the sexually harassing conduct but Defendant SR CONSTRUCTION failed to take any appropriate corrective action.

123. This sexually harassing and discriminatory conduct was sufficiently severe and pervasive so as to unreasonably interfere with GROGAN's physical health and work performance, so as to create an intimidating, hostile and offensive working environment.

124. As a direct and proximate result of the harassing and hostile sexual environment of Defendant SR CONSTRUCTION, including through its employees and agents and third-parties, GROGAN has suffered, and continues to suffer, economic losses, including lost wages and benefits, back pay, front pay, physical and emotional harm, including mental anguish, inconvenience, and the loss of enjoyment of life, for which GROGAN is entitled to compensatory and equitable damages, in an amount to be proven at trial.

125. Defendant SR CONSTRUCTION's conduct, including through its employees and agents, was willful, malicious, and/or engaged in with a reckless indifference to the health, safety, wellbeing, and federally-protected rights of GROGAN— warranting an award of punitive damages, to

1 punish Defendant SR CONSTRUCTION, in an amount determined by a jury at trial, according to law.

2 126. As a result of such intentional, unlawful, and discriminatory conduct against GROGAN
3 by Defendant SR CONSTRUCTION, including through its employees and agents, GROGAN has had
4 to retain the services of attorneys in this matter, and therefore, is entitled to, and seeks reimbursement
5 for, her attorneys' fees and costs, her expert-witness fees, and her court costs, in an amount to be
6 proven at trial.

7 127. As a result of such intentional, unlawful, and discriminatory conduct against GROGAN
8 by Defendant SR CONSTRUCTION, including through its employees and agents, GROGAN is
9 entitled to, and seeks, declaratory relief, in the form of a declaration by this Court, that Defendant SR
10 CONSTRUCTION violated GROGAN's rights.

11 **XII.**

12 **EIGHTH CLAIM FOR RELIEF**

13 **HOSTILE WORK ENVIRONMENT BASED ON AGE**
14 **(NRS 613.330)**

15 128. GROGAN incorporates by reference all prior allegations of this *Complaint*, as though
16 fully set forth herein.

17 129. GROGAN is a person entitled to the protection under NRS 613.330.

18 130. GROGAN was subjected to harassment during her employment with Defendant SR
19 CONSTRUCTION and this conduct was directed at GROGAN by reason of her age, which was over
20 40.

21 131. The conduct was so severe or pervasive that a reasonable person in GROGAN's position
22 would find GROGAN's work environment to be hostile or abusive, and GROGAN believed her work
23 environment to be hostile or abusive.

24 132. Management level employees of Defendant SR CONSTRUCTION knew or should have
25 known of the abusive conduct.

26 133. As a direct and proximate result of the harassment of Defendant SR CONSTRUCTION,
27 including through its employees and agents and third-parties, GROGAN has suffered, and continues to
28 suffer, economic losses, including lost wages and benefits, back pay, front pay, for which GROGAN is

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entitled to compensatory and equitable damages, in an amount to be proven at trial.

134. Defendant SR CONSTRUCTION's conduct, including through its employees and agents, was willful, malicious, and/or engaged in with a reckless indifference to the health, safety, wellbeing, and federally-protected rights of GROGAN— warranting an award of liquidated damages, in an amount determined by a jury at trial, according to law.

135. As a result of such intentional, unlawful, and discriminatory conduct against GROGAN by Defendant SR CONSTRUCTION, including through its employees and agents, GROGAN has had to retain the services of attorneys in this matter, and therefore, is entitled to, and seeks reimbursement for, her attorneys' fees and costs, her expert-witness fees, and her court costs, in an amount to be proven at trial.

136. As a result of such intentional, unlawful, and discriminatory conduct against GROGAN by Defendant SR CONSTRUCTION, including through its employees and agents, GROGAN is entitled to, and seeks, declaratory relief, in the form of a declaration by this Court, that Defendant SR CONSTRUCTION violated GROGAN's rights.

XIII.

NINTH CLAIM FOR RELIEF

RETALIATION (NRS 613.340)

137. GROGAN incorporates by reference all prior allegations of this *Complaint*, as though fully set forth herein.

138. As alleged herein, Defendant SR CONSTRUCTION, by and through its officers, managing agents and/or its supervisors, illegally retaliated against GROGAN by freezing her out, removing and reassigning her duties and constructively discharging her, because she had reported the aforementioned discrimination and harassment.

139. Defendant SR CONSTRUCTION had no legitimate reasons for any such act. Each said act is in violation of the anti-retaliation provisions of NRS 613.340.

140. As a direct and proximate result of the Defendant SR CONSTRUCTION, including through its employees and agents and third-parties, intentional discrimination and retaliation,

GROGAN has suffered, and continues to suffer, economic losses, including lost wages and benefits, back pay, front pay, physical and emotional harm, including mental anguish, inconvenience, and the loss of enjoyment of life, for which GROGAN is entitled to compensatory and equitable damages, in an amount to be proven at trial.

141. Defendant SR CONSTRUCTION's conduct, including through its employees and agents, was willful, malicious, and/or engaged in with a reckless indifference to the health, safety, wellbeing, and federally-protected rights of GROGAN—warranting an award of punitive damages, to punish Defendant SR CONSTRUCTION, in an amount determined by a jury at trial, according to law.

142. As a result of such intentional, unlawful, and discriminatory conduct against GROGAN by Defendant SR CONSTRUCTION, including through its employees and agents, GROGAN has had to retain the services of attorneys in this matter, and therefore, is entitled to, and seeks reimbursement for, her attorneys' fees and costs, her expert-witness fees, and her court costs, in an amount to be proven at trial.

143. As a result of such intentional, unlawful, and discriminatory conduct and retaliation against GROGAN by Defendant SR CONSTRUCTION, including through its employees and agents, GROGAN is entitled to, and seeks, declaratory relief, in the form of a declaration by this Court, that Defendant SR CONSTRUCTION violated GROGAN's rights.

XIV.

PRAYER FOR RELIEF

WHEREFORE, GROGAN prays for judgment against Defendant SR CONSTRUCTION, as follows:

1. For equitable relief, including back pay and front pay;
2. For general, compensatory damages on all claims, in an amount to be proven at trial;
3. For special, compensatory damages on all claims, in an amount to be proven at trial;
4. For past and future compensatory damages, including incidental and consequential losses, incurred by reason of Defendant's acts, omissions, carelessness, negligence, deliberate indifference, and other culpable conduct described herein, in an amount to be proven at trial;

5. For exemplary and punitive damages, as allowed by law;
6. For liquidated damages, as allowed by law;
7. For costs of the suit incurred herein;
8. For attorneys' fees, costs, and prejudgment interest, as allowed by law;
9. For experts' fees, costs as allowed by law, in an amount in an amount to be determined at trial;
10. For Declaratory relief, equitably determined by the Court at trial. Pursuant to 28 U.S.C. § 2201, Federal Rule of Civil Procedure 57, 42 U.S.C. §§ 2000e-5, NRS 30.070, NRS 30.100, NRS 613.333, and the Court's inherent equitable powers, GROGAN seeks, and is entitled to have, declaratory relief awarded in her favor, to declare her rights and the obligations of Defendant SR CONSTRUCTION, which matters are now in controversy or dispute, where such declaratory relief is necessary and proper to the termination of the disputes raised herein, including as specifically prayed for below, including declaratory relief whereby the Court issues a declaration that Defendant SR CONSTRUCTION unlawfully discriminated against GROGAN in violation of the Title VII and NRS 613.330, the ADEA and NRS 613.340, and otherwise violated GROGAN's rights under federal law and state law, as alleged herein, and regarding the rights and obligations of the parties, relating to GROGAN's employment and re-employment;
11. Based on the foregoing, GROGAN has suffered an irreparable injury, and the remedies available at law, such as monetary damages, are inadequate to compensate for that injury. This inadequacy is, in part, based on the fact that Defendant SR CONSTRUCTION currently maintaining false and disparaging information about GROGAN's work performance and tenure at Defendant SR CONSTRUCTION, which will be discovered by third parties, including prospective employers of GROGAN, which will interfere with her ability to obtain employment, including re-employment at Defendant SR CONSTRUCTION. As such GROGAN is entitled to injunctive relief, including an injunction compelling Defendant:
 - (a) To remove false, adverse information contained in her personnel files relating to

1 the claims of this case;

2 (b) To provide only a “neutral” job reference concerning GROGAN’s tenure at
3 Defendant SR CONSTRUCTION, to all inquiring prospective employers; and

4 (c) To reinstate GROGAN’s employment at SR CONSTRUCTION, if feasible and
5 appropriate, with full pay and benefits, as if never terminated.

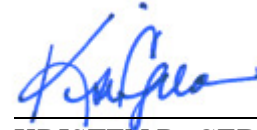
6 Considering the balance of hardships between Plaintiff and Defendant, a remedy in equity is
7 warranted, and the public interest would not be disserved by issuance of such injunctive relief.
8 GROGAN herein seeks Injunctive relief, equitably determined by the Court at trial;

9 12. For such other relief as the Court may deem just and proper; and

10 13. Pursuant to the *Federal Rules of Civil Procedure*, Rule 38, Plaintiff demands a trial by
11 jury on all issues triable by right of a jury.

12
13 Dated this 22nd Day of October 2020.

THE GEDDES LAW FIRM, P.C.

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